IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Criminal Application No 2289 of 2006

The State of Maharashtra. .Applicant

vs

Guddukumar P Gupta & ors ..Respondent

Mr D.R.More, Addl Public Prosecutor for State

CORAM:V.G.PALSHIKAR, Acg, C.J.&
SMT. NISHITA MHATRE J.

DATE:AUGUST 30, 2006.

P.C.:-

This application for leave to appeal against the order of acquittal is filed by the State complaining of acquittal of the accused of the offence under section 307 read with section 34 of IPC. We have perused the impugned order. Considered the submission of the learned Additional Public Prosecutor. Even if it is possible to take a different views on reappreciation of evidence, when two such views are possible, one consistent with innocence of the accused and the other consistent with the guilt, it is the settled law that the conclusion of innocence as recorded by the trial Judge should not be interfered with. Hence leave application is rejected.